

KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.

SUMNER SQUARE

1615 M STREET, N.W.

SUITE 400

WASHINGTON, D.C. 20036-3209

\_\_\_\_\_  
(202) 326-7900

FACSIMILE:

(202) 326-7999

December 10, 2014

***Via ECF (S.D.N.Y. and C.D. Cal.) and Email (D. Kan.)***

The Honorable Denise L. Cote  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

The Honorable John W. Lungstrum  
The Honorable James P. O'Hara  
United States District Court for the District of Kansas  
500 State Avenue, Suite 517  
Kansas City, KS 66101

The Honorable George H. Wu  
United States District Court for the Central District of California  
312 North Spring Street  
Los Angeles, CA 90012-4701

Re: *NCUA v. Morgan Stanley & Co.*, No. 13-6705 (S.D.N.Y.) and related actions

Dear Judges Cote, Lungstrum, Wu, and O'Hara:

NCUA respectfully submits this letter pursuant to the Courts' December 1, 2014 order (ECF No. 226).<sup>1</sup> That order directed NCUA to "advise our Courts by December 10, 2014, whether ResCap has made a commitment to NCUA to produce all of the requested loan files on a rolling basis, with the final production occurring no later than January 30, 2015."

NCUA promptly conferred with ResCap regarding this Order. ResCap has advised NCUA that it has located nearly all of the outstanding requested loan files (approximately 1,276 of 1,383), and expects to produce these files by January 30, 2015. ResCap has been unable to locate the remaining files because the servicer loan number provided by NCUA did not match any files in ResCap's records. ResCap is attempting to locate 88 of the missing loan files using other identifying information provided by NCUA, and it expects that it will be able to locate

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<sup>1</sup> ECF references are to *NCUA v. Morgan Stanley & Co.*, No. 13-6705 (S.D.N.Y.).

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many of them. NCUA and ResCap will continue to confer regarding the missing loan files with the goal that they will be located, if at all possible, and produced by January 30, 2015.

NCUA will continue to update the Courts regarding ResCap’s production of loan files in its monthly reports pursuant to the Loan File Reunderwriting Protocol. If NCUA encounters any other issues involving ResCap, it will raise them with the Courts promptly.

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Respectfully submitted,

/s/ David C. Frederick

David C. Frederick  
Wan J. Kim  
Gregory G. Rapawy  
Andrew C. Shen  
KELLOGG, HUBER, HANSEN, TODD,  
EVANS & FIGEL, P.L.L.C.  
Sumner Square  
1615 M Street, N.W., Suite 400  
Washington, D.C. 20036  
Tel: (202) 326-7900  
Fax: (202) 326-7999  
dfrederick@khhte.com  
wkim@khhte.com  
grapawy@khhte.com  
ashen@khhte.com

George A. Zelcs  
KOREIN TILLERY LLC  
205 North Michigan Avenue, Suite 1950  
Chicago, IL 60601  
Tel: (312) 641-9750  
Fax: (312) 641-9751  
gzelcs@koreintillery.com

Stephen M. Tillary  
Greg G. Gutzler  
Robert L. King  
KOREIN TILLERY LLC  
505 North Seventh Street, Suite 3600  
St. Louis, MO 63101  
Tel: (314) 241-4844  
Fax: (314) 241-3525  
stillery@koreintillery.com  
ggutzler@koreintillery.com  
rking@koreintillery.com

Erik Haas  
Peter W. Tomlinson  
Philip R. Forlenza  
Henry J. Ricardo  
PATTERSON BELKNAP WEBB & TYLER LLP  
1133 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 336-2000  
Fax: (212) 336-2222  
ehaas@pbwt.com  
pwtomlinson@pbwt.com  
prforlenza@pbwt.com  
hjricardo@pbwt.com

David H. Wollmuth  
Frederick R. Kessler  
Steven S. Fitzgerald  
Ryan A. Kane  
WOLLMUTH MAHER & DEUTSCH LLP  
500 Fifth Avenue, 12th Floor  
New York, NY 10110  
Tel: (212) 382-3300  
Fax: (212) 382-0050  
dwollmuth@wmd-law.com  
fkessler@wmd-law.com  
sfitzgerald@wmd-law.com  
rkane@wmd-law.com

Norman E. Siegel (D. Kan. # 70354)  
Rachel E. Schwartz (Kan. # 21782)  
STUEVE SIEGEL HANSON LLP  
460 Nichols Road, Suite 200  
Kansas City, MO 64112  
Tel: (816) 714-7100  
Fax: (816) 714-7101  
siegel@stuevesiegel.com  
schwartz@stuevesiegel.com

*Attorneys for Plaintiff National Credit Union Administration Board*

cc: Counsel of Record (via ECF or email)  
Counsel for ResCap (via Email)